

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT  
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number  
(Optional)  
T1655

First Named Inventor: F. Burkamp

International (PCT) Application No.: PCT/GB2005/000548

U.S. Application No.: --

(if known)

Filed: 16 February 2005

PRODRUGS OF SUBSTITUTED AMINO HETEROBICYCLES WHICH

Title: MODULATE THE FUNCTION OF THE VANILLOID-1 RECEPTOR (VR1)

Attention: PCT Legal Staff  
Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.

Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m)) (Charge fee to Deposit Account No. 13-2755.)

2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of

(1) Transmittal Letter to US DO/EO (identify type of reply):  
Concerning a Filing Under § 371 (2) Preliminary Amendment  
 has been filed previously on \_\_\_\_\_.

(3) Related Enclosures

XXX is enclosed herewith.

10/02/2006 LLANDGRA 00000043 132755 10593766

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1500.00 DA

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

## 3. Terminal disclaimer with disclaimer fee

Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

September 22, 2006

Date

David Rubin (Assistant Counsel, Merck &amp; Co., Inc.) 40,314

Typed or Printed Name

Registration Number, if applicable

126 E. Lincoln Avenue

(732) 594-2675

Rahway, NJ 07065

Telephone Number

Address

Enclosures:  Response Fee Payment Terminal Disclaimer

Other (please identify): (1) Transmittal Letter to US DO/EO Concerning a Filing Under § 371  
 (2) Preliminary Amendment  
 (3) Related Enclosures  
 (4) Communication Related to Petition

**IN THE UNITED STATES RECEIVING OFFICE OF THE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Burkamp, et al.	Case. No. T1655P	
Serial No.:	To be assigned (U.S. National Stage Filing Based on PCT/GB2005/000548)		Art Unit: t.b.d.
Filed:	16 February 2005		Examiner: t.b.d.
For:	PRODRUGS OF SUBSTITUTED AMINO HETEROBICYCLES WHICH MODULATE THE FUNCTION OF THE VANILLOID-1 RECEPTOR (VR1)		

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Commissioner for Patents  
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Alexandria VA 22313-1450

**Attention: PCT Petitions**

**COMMUNICATION SUBMITTED WITH PETITION FOR REVIVAL OF AN  
INTERNATIONAL APPLICATION FOR PATENT DESIGNATING  
THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

This Communication accompanies and provides additional information regarding the Petition for Revival submitted September 22, 2006 in the referenced international application. Applicants respectfully request that the referenced international application be revived in the United States, and that a United States patent application serial number be assigned.

The referenced international application was not filed in the United States within 30 months of its February 20, 2004 priority date (i.e., by August 20, 2006) as required by 37 CFR 1.495(b) and thus became abandoned under 37 CFR 1.495(h). This abandonment

was entirely unintentional, and was the result of a docketing error made by the undersigned and staff working with the undersigned. The error was discovered only several days ago and the accompanying Petition was prepared promptly thereafter.

The Petition is accompanied by the following documents:

- (1) Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 .
- (2) Preliminary Amendment .
- (3) Related Enclosures.

Please charge the \$1500.00 fee under 37 CFR 1.17(m), and any other fees occasioned by the accompanying Petition and enclosures, to Deposit Account **13-2755**.

The Examiner is invited to contact the undersigned at the telephone number provided below, if such would advance prosecution of this case.

EXPRESS MAIL CERTIFICATE  
DATE OF DEPOSIT 9/22/06  
EXPRESS MAIL NO. EV 835851963 US  
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
BEING DEPOSITED WITH THE UNITED STATES POSTAL  
SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE"  
ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO  
COMMISSIONER FOR PATENTS, P.O. BOX 1450,  
ALEXANDRIA, VIRGINIA 22313-1450.  
MAILED BY Christine Cuffe  
DATE 9/22/06

Date: September 22, 2006

Respectfully submitted,

By: David Rubin  
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